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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/003,645 | 11/02/2001 | Michael Jasch | 03630-P0025A | 8351 |

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EXAMINER

MCDONALD, SHANTESE L

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 07/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/003,645

Applicant(s)
Jasch

Examiner
McDonald, Shantese

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3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 2, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 13-17 and 28-57 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2,4 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

2. Claims 3,19,29,30,39,40 and 56 recites the limitation "pair of adjacent bulges" in lines 2-3.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Martin in view of Normann.

Martin teaches a power tool, comprising a motor-driven drive shaft, 7, having a longitudinal axis, and having a free end, a securing section, 9, provided on the free end of the drive shaft for engaging a receiving opening provided on the tool, and a threaded blind hole arranged on the drive shaft, and further comprising a securing screw, 13, adapted for screwing into the threaded blind hole for securing a tool on the securing section, (fig. 1). Martin teaches all the limitations of the claims except for the securing section comprising six rounded tips arranged

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at even radial distances from the longitudinal axis, at angular intervals of 60 degrees between each other, each pair of adjacent tips being configured being connected by circular arch shaped lateral flanks forming recesses between the tips, the lateral flanks extending from the pair of adjacent tips toward the longitudinal axis converging in a common apex, the lateral flanks defining a circle having a first diameter and the apexes defining a second circle having a second diameter and the ration of the first and second diameters being approximately 4 to 6, or 4.5 to 5.5 or 5.1 or 30 to 46. Norman teaches a securing section, 56, comprising six rounded tips arranged at even radial distances from the longitudinal axis, at angular intervals of 60 degrees between each other, each pair of adjacent tips being configured being connected by lateral flanks forming recesses between the tips, the lateral flanks extending from the pair of adjacent tips toward the longitudinal axis converging in a common apex. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the invention of Martin with a securing section as claimed above, in order to enhance the function of securing the tool to drive shaft. It would have been further obvious to provide the invention of Martin with the lateral flanks being circular arch shaped, and the lateral flanks defining a circle having a first diameter and the apexes defining a second circle having a second diameter and the ration of the first and second diameters being approximately 4 to 6, or 4.5 to 5.5 or 5.1 or 30 to 46, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

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Allowable Subject Matter

5. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 28-57 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Halliley and Yanase were cited to show another example of a power tool.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese McDonald whose telephone number is (703) 308-8722.



Joseph J. Hail, III
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S.L.M.

July 12, 2003